

Introduced by Senator Wieckowski

February 27, 2015

An act to amend Section 16072 of the Vehicle Code, relating to drivers' licenses.

LEGISLATIVE COUNSEL'S DIGEST

SB 789, as introduced, Wieckowski. Driver's license suspension: restricted privilege.

Existing law requires the Department of Motor Vehicles to suspend the driving privilege of a person who is involved in an accident and fails to provide evidence of financial responsibility, as specified, at the time of the accident. Under existing law, the suspension period is one year, as specified, except that the suspension must be reinstated if the person fails to maintain proof of financial responsibility for 3 years. However, upon application and if certain criteria is met, the department may restrict the person's driving privilege, in lieu of suspending it pursuant to this provision, in specified situations.

This bill would also authorize the department to restrict a person's driving privilege, in lieu of suspending it, in order to allow the person to drive to school. For purposes of this authorization, the bill would define "school" to mean a California community college campus, a California State University campus, a University of California campus, or a private postsecondary educational institution.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 16072 of the Vehicle Code is amended to read:

16072. (a) The suspension of the driving privilege of a person as provided in Section 16070 shall not be terminated until one year has elapsed from the date of actual commencement of the suspension and until the person files proof of financial responsibility as provided in Chapter 3 (commencing with Section 16430), except that the suspension shall be reinstated if the person fails to maintain proof of financial responsibility for three years. However, in lieu of suspending a person's driving privilege pursuant to this section, the department, upon application, if the person files and thereafter maintains proof of financial responsibility as provided in this section and pays a penalty fee to the department of two hundred fifty dollars (\$250), may restrict the person's driving privilege to any of the following situations:

(1) Necessary travel to and from that person's place of employment.

(2) Driving that is required in the person's course of employment, when driving a motor vehicle is necessary in order to perform the duties of the person's primary employment.

(3) *Driving himself or herself to or from school. For purposes of this paragraph, "school" means a California community college campus, a California State University campus, a University of California campus, or a private postsecondary educational institution.*

~~(3)~~

(4) Necessary travel to transport a minor dependent in that person's immediate family to and from an institute of primary or secondary *educational* instruction, if the chief administrative officer or principal of the educational institution certifies in writing to the department that the minor dependent is enrolled in the educational institution and no form of public transportation or schoolbus is available between the applicant's place of residence and the educational institution.

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(b) *The* restriction shall remain in effect for the period of suspension required by this section, so long as proof of financial responsibility is maintained.

1 ~~(b)~~

2 (c) If a suspension has been imposed under Section 16070 and
3 one year has elapsed from the date the suspension actually
4 commenced, that suspension shall be terminated if the driving
5 privilege is suspended under Section 16370 or 16381 as the result
6 of a judgment arising out of the accident for which proof of
7 financial responsibility was required to be established. The
8 department may reimpose the suspension of the driving privilege
9 of a person under Section 16070 if the suspension under Section
10 16370 or 16381 is later set aside for a reason other than that the
11 person has satisfied the judgment in full or to the extent provided
12 in Chapter 2 (commencing with Section 16250) and has given
13 proof of ability to respond in damages as provided in Chapter 3
14 (commencing with Section 16430).

15 ~~(e)~~

16 (d) Notwithstanding Chapter 2 (commencing with Section
17 42200) of Division 18, all revenues derived from the penalty fees
18 provided in subdivision (a) shall, after deduction by the department
19 of the costs incurred by the department in administering this
20 section, be deposited in the Financial Responsibility Penalty
21 Account in the General Fund. The balance in this fund on each
22 July 1, which is not subject to appropriation as provided in Section
23 12980 of the Insurance Code, shall revert to the General Fund.

24 ~~(d)~~

25 (e) (1) Subdivision (a) does not apply to a commercial driver's
26 license holder.

27 (2) A commercial driver's license holder whose driving privilege
28 is otherwise suspended under this chapter is not entitled to a
29 restricted license, unless that person surrenders his or her
30 commercial driver's license and is issued a noncommercial class
31 C or M driver's license.